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September 17, 2012

VIA ELECTRONIC & US MAIL

Ms. Stephanie Vaughn
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

**Re: Monthly Progress Report No. 64 – August 2012
Lower Passaic River Study Area (LPRSA) Remedial Investigation/
Feasibility Study (RI/FS)
CERCLA Docket No. 02-2007-2009**

Dear Ms. Vaughn:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

Meetings/Conference Calls

- On August 3, CPG, EPA, and CPG and EPA contractors held a conference call to discuss the scope and data use for a 2012 Bathymetry Survey.
- On August 16, CPG, EPA, and CPG and EPA contractors held a conference call to discuss EPA comments on the High Volume (HV) Chemical Water Column Monitoring (CWCM) QAPP Addendum, CWCM data and associated frequency of detection calculations from the initial Small Volume (SV) CWCM Routine Flow monitoring events.

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Correspondence

- On August 1, EPA provided comments on the Dissolved Oxygen (DO) Survey QAPP to CPG.
- On August 2, EPA provided verbal approval of the revised DO Survey QAPP to CPG.
- On August 6, EPA provided comments on the draft HV CWCM QAPP Addendum to CPG.
- On August 7, EPA and CPG exchanged emails regarding the HV CWCM program, Caged Bivalve Survey data, and the frequency of detection calculations for the initial SV CWCM Routine Flow Events.
- On August 10, EPA provided recommendations for areas to conduct additional single beam coverage in a 2012 Bathymetry Survey.
- On August 10, CPG responded to EPA's request for expanded single beam bathymetry survey work.
- On August 13, CPG provided additional information related to the proposed expanded single beam coverage in a 2012 Bathymetry Survey to EPA.
- On August 15, CPG submitted the July Monthly Progress Report to EPA.
- On August 17, EPA requested that the CPG contractors ship 25 um filters to the EPA contract laboratory for use in the HV CWCM split sampling preparations.
- On August 21, EPA provided the CPG with clarifications on comments related to the draft HV CWCM QAPP.
- On August 20, EPA provided responses to CPG questions on the proposed scope and single beam coverage of the 2012 Bathymetry Survey.
- On August 22, EPA and CPG exchanged emails regarding logistics for the 2012 Bathymetry Survey.
- On August 22, EPA and CPG exchanged emails regarding potential impacts to the SV CWCM Low Flow Event and Bathymetry Survey field activities from effects of Tropical Storm Isaac projected to be in the New Jersey area.
- On August 22, CPG provided Field Modification (FM) 20120822-120821 for the 2012 Multi-Beam Bathymetry Survey to EPA.
- On August 22, EPA and CPG contractors exchanged emails regarding the 2012 Bathymetry Survey schedule details.
- On August 22, CPG contractor provided an updated SV CWCM Low Flow field work schedule to EPA's oversight contractor.
- On August 24, EPA approved FM 20120822-120821 for the 2012 Multi-Beam Bathymetry Survey.
- On August 28, CPG submitted responses to EPA comments on the draft HV CWCM QAPP Addendum.

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- On August 28, CPG and EPA exchanged emails regarding River discharge level during the SV CWCM Low Flow Event and the decision to continue the field work.
- On August 28, EPA submitted questions to CPG related to the Caged Bivalve Survey validated data, Appendix I of the River Mile 10.9 Characterization Report, the glass wool fiber pre-filters to be used in the HV CWCM program and the Background Sampling QAPP Addenda.
- On August 29, EPA notified CPG that it will be conducting SEDFLUME testing in Newark Bay supporting the LPR/Newark Bay Modeling Program and that the QAPP would be sent to CPG for review.
- On August 29 and 30, CPG provided EPA with an update of CWCM Low Flow sampling activities conducted on August 28 and 29, respectively.
- On August 30, EPA provided CPG comments on the revised Risk Analysis and Risk Characterization Plan (RARC) submitted on April 13, 2012.
- On August 30, CPG provided input on the CPG/EPA Modeling collaboration meeting agenda to be held in late September.
- On August 30, EPA sent CPG a letter requesting a CPG/Tierra Solutions meeting to coordinate Newark Bay data collection for the LPR/Newark Bay Modeling Program.
- On August 31, CPG sent EPA a Nonconformance Report for elevated flows that occurred during the SV CWCM Low Flow Event.

Work

- CPG initiated the DO Survey the week of August 6.
- CPG conducted the SV CWCM Low Flow/Spring Tide sampling the week of August 27.
- CPG initiated the 2012 Multi-Beam Bathymetry Survey the week of August 27.
- CPG collected the first round of data retrieval from the DO Survey equipment moorings beginning on August 27.
- CPG continued work on developing a QAPP Addendum for Background Tissue sampling.
- CPG continued work on developing a QAPP Addendum for Background and Reference Conditions sediment and benthic sampling.
- CPG completed validation of the SV CWCM Routine Flow Event #2 data.
- CPG completed validation of SV CWCM Routine Flow Event #3 data.
- CPG completed chemical analysis of the SV CWCM Routine Flow Event #4 samples.
- CPG continued validation of SV CWCM Routine Flow Event #4 samples.
- CPG continued preparations for conducting SV CWCM Routine Flow Event #5.

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- CPG responded to EPA comments on HV CWCM QAPP Addendum and SOPs.
- CPG conducted a one-sample field trial of a new pre-filtration system and dynamic spike injection technique for HV CWCM sampling equipment.
- CPG continued discussions with HV equipment vendor and associated labs for applicability in the LPRSA CWCM field program.
- CPG continued work on the 2011 Post-Hurricane Irene Bathymetry Survey report.
- CPG Modeling Team continued work on decoupling the Hydrodynamic and HQI ECOM-SEDZLJS Sediment Transport Model codes to shorten run times and long-term sediment transport calibration runs.
- CPG Modeling Team continued work on the RCATOX Chemical Fate and Transport Model Code initial conditions and long-term calibration runs.
- CPG Modeling Team continued support for design activities for the SV CWCM High Flow and Low Flow Events.
- CPG Modeling Team continued work on system understanding for hydrodynamic and sediment transport processes in Newark Bay.
- CPG continued review of sediment characteristics and potential target remedy locations in support of initial Feasibility Study (FS) evaluations.

(b) Results of Sampling and Tests

- On August 16, CPG posted Region 2 validated laboratory Electronic Data Deliverables (EDDs) from the SV CWCM Routine Flow Event #2 and original laboratory EDDs for data received during July 2012 for the SV CWCM and the RM 10.9 Characterization Addendum A program to the EPA SharePoint site.
- On August 29, CPG posted all Region 2 validated data from the Low Resolution Coring Supplemental Sediment Program to the EPA SharePoint site.

(c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

- CPG will complete validation of the SV CWCM Routine Flow Event #4 data.
- CPG will initiate chemical analysis of the SV CWCM Low Flow Event samples.
- CPG will conduct SV CWCM Routine Flow Event #5 if River conditions meet SV CWCM QAPP criteria.
- CPG will conduct a SV CWCM High Flow Event if River conditions meet SV CWCM QAPP criteria.
- CPG will complete responses to EPA comments on the HV CWCM Addendum and SOPs.

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- CPG will conduct a HV CWCM sampling event pending EPA approval of the HV CWCM QAPP Addendum.
- CPG will continue the DO Survey.
- CPG will prepare responses to EPA comments on the RARC.
- CPG will submit draft a draft QAPP Addendum to EPA for Background Tissue sampling.
- CPG will submit draft a draft QAPP Addendum to EPA for Background and Reference Conditions sediment and benthic sampling.
- CPG will complete drafting the Post-Hurricane Irene Bathymetric Survey of the LPR report.
- CPG Modeling Team will continue calibration runs with the HQI ECOM-SEDZLJS and RCATOX codes and inputs.
- CPG Modeling Team will continue support with the CWCM High Flow program planning and development.
- CPG will participate in LPR/Newark Bay Modeling Program progress calls and follow-up modeling collaboration meetings with EPA and EPA consultants.
- CPG will continue initial FS evaluation of targeted remedy locations and development of cost estimating tools.

(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

- Based upon discussions with EPA on July 19, the CPG understands that EPA considers the calibration of the HQI sediment transport and the chemical fate and transport model sufficient to support the revised FFS for the lower 8 miles of the LPRSA. It is also the CPG's understanding that EPA is continuing work to improve their calibration of both models. The CPG is continuing to work on both sediment transport model and the chemical fate and transport model for the LPRSA. EPA and CPG collaboration meetings were conducted in January, March and June 2012; these and previous meetings are providing an opportunity for both modeling teams to understand differences between each team's approaches. Delays associated with both the sediment transport modeling and chemical fate transport modeling schedules are extending the completion of the LPRSA RI/FS.
- The CPG understands that the EPA approved Tierra's CSO/SWO Workplan in May 2011. It is also the CPG's understanding that the Method Detection Studies proposed by Tierra and other work such as construction of the mobile centrifuge/CSO sampling trailer required for Phase 1 work were completed in late

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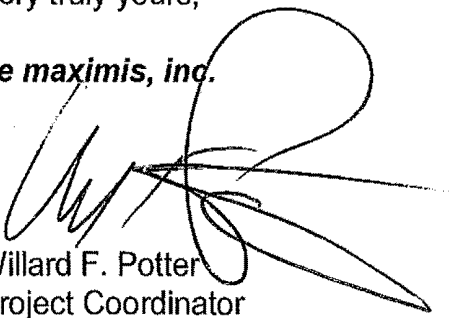
August 2012. The extent of the RI/FS schedule impacts associated with the Phase 1 sampling schedule (which is now forecast for October 2012) and with a likely Phase 2 field schedule are significant. The CPG is evaluating alternative approaches for CSO/SWO data to be used in the LPR/Newark Bay Chemical Fate & Transport Model to maintain a LPRSA RI/FS Study completion date of second quarter 2015.

- EPA provided comments on July 11, 2011 which disapproved the revised risk assessment planning documents and required submission of revised documents within 30 days. Additionally, EPA provided a technical memo on July 25, 2011 on fish and crab consumption rates for the LPRSA Human Health Risk Assessment. The CPG filed a notice of dispute resolution in accordance with Section XV of the AOC on July 25, 2011 in response to EPA's July 11, 2011 directive letter and July 25, 2011 technical memorandum. The revised RARC and TRV deliverables were submitted on August 9, 2011. On September 6, 2011 the CPG submitted a position paper in response to EPA's July 11, 2011 comments and July 25, 2011 technical memorandum. Dispute resolution meetings were held on December 1, 2011 and January 13, 2012. EPA provided the results of the dispute resolution to the CPG on February 7, 2012 and the CPG implemented the changes specified in the July 2011 directive comments and the results of the dispute resolution in the revised RARC which was submitted on April 13, 2012. The EPA provided comments on the revised RARC on August 30, 2012.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.



Willard F. Potter
Project Coordinator

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